

**FILED**

MAR 30 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 TRACY WATSON, RENEE STALKER,  
12 OLIVIA STALKER, SHAFER WATSON, and  
RILEY WATSON,

13 Plaintiffs,

14 v.

15 CRAIG BLANK, WILLIAM HOYT, and CITY  
16 OF SAN JOSE,

17 Defendant.

**\*E-FILED\***

CASE NO. C-06-04029-RMW

**VERDICT FORM**

## VERDICT FORM

### **I. CLAIMS OF PARENTS AGAINST OFFICERS FOR INTERFERENCE WITH RIGHT OF FAMILY TO LIVE TOGETHER WITHOUT GOVERNMENTAL INTERFERENCE IN VIOLATION OF THE FOURTEENTH AMENDMENT OF THE CONSTITUTION**

#### **A. Claim of Tracy Watson Against Detective Blank for Removal of Shafer and Riley**

1. Did Detective Blank participate in the removal of Shafer and Riley Watson from the custody of Tracy Watson? (put an "X" in the appropriate blank to indicate your answer)

Yes X      No \_\_\_\_\_

*If the answer to question 1 is "yes," go to question 2. If the answer is "no," go to question 4.*

2. Did the information known to the officers at the time Shafer and Riley Watson were removed from their home provide from an objective viewpoint reasonable cause to believe that exigent circumstances existed requiring removal of the two children?

Yes \_\_\_\_\_

No X (A "no" answer means that Detective Blank violated Tracy Watson's family association right with Shafer and Riley protected by the Fourteenth Amendment).

*If the answer to question 2 is "yes," go to question 3. If the answer is "no," go to question 4.*

3. Was the placement of Shafer and Riley in the children's shelter reasonably necessary to avert the risk of serious bodily injury or sexual abuse to Shafer and Riley because there was not an appropriate, less intrusive placement available or other reasonable, less intrusive means to protect the children from the risk of serious bodily injury or serious sexual abuse.

Yes \_\_\_\_\_ (A "yes" answer means that Detective Blank did not violate Tracy Watson's family association right with Shafer and Riley protected by the Fourteenth Amendment).

No \_\_\_\_\_ (A "no" answer means that Detective Blank violated Tracy Watson's family association right with Shafer and Riley protected by the Fourteenth Amendment).

**B. Claim of Tracy Watson Against Detective Blank for Removal of Olivia**

4. Did Detective Blank participate in the removal of Olivia Stalker from the custody of Tracy Watson?

Yes \_\_\_\_\_ No X

*If the answer to question 4 is "yes," go to question 5. If the answer is "no," go to question 7.*

5. Did the information the officers possessed at the time Olivia Stalker was removed from her parents' custody provide from an objective viewpoint reasonable cause to believe that exigent circumstances existed requiring removal of Olivia?

Yes \_\_\_\_\_

No \_\_\_\_\_ (A "no" answer means that Detective Blank violated Tracy Watson's family association right with Olivia protected by the Fourteenth Amendment).

*If the answer to question 5 is "yes," go to question 6. If the answer is "no," go to question 7.*

6. Was the placement of Olivia in the children's shelter reasonably necessary to avert the risk of serious bodily injury or sexual abuse to Olivia because there was not an appropriate, less intrusive placement available or other reasonable, less intrusive means to protect the child from the risk of serious bodily injury or serious sexual abuse?

Yes \_\_\_\_\_ (A "yes" answer means that Detective Blank did not violate Tracy Watson's family association right with Olivia protected by the Fourteenth Amendment).

No \_\_\_\_\_ (A "no" answer means that Detective Blank violated Tracy Watson's family association right with Olivia protected by the Fourteenth Amendment).

**C. Claim of Tracy Watson Against Detective Hoyt for Removal of Shafer and Riley**

7. Did Detective Hoyt participate in the removal of Shafer and Riley Watson from the custody of Tracy Watson?

Yes X No \_\_\_\_\_

*If the answer to question 7 is "yes," go to question 8. If the answer is "no," go to question 10.*

8. Did the information known to the officers at the time Shafer and Riley Watson were removed from their home provide from an objective viewpoint reasonable cause to believe that exigent circumstances existed requiring removal of the two children?

Yes \_\_\_\_\_

No  (A "no" answer means that Detective Hoyt violated Tracy Watson's family association right with Shafer and Riley protected by the Fourteenth Amendment).

*If the answer to question 8 is "yes," go to question 9. If the answer is "no," go to question 10.*

9. Was the placement of Shafer and Riley in the children's shelter reasonably necessary to avert the risk of serious bodily injury or sexual abuse to Shafer and Riley because there was not an appropriate, less intrusive placement available or other reasonable, less intrusive means to protect the children from the risk of serious bodily injury or serious sexual abuse?

Yes \_\_\_\_\_ (A "yes" answer means that Detective Hoyt did not violate Tracy Watson's family association right with Shafer and Riley protected by the Fourteenth Amendment).

No \_\_\_\_\_ (A "no" answer means that Detective Hoyt violated Tracy Watson's family association right with Shafer and Riley protected by the Fourteenth Amendment).

**D. Claim of Tracy Watson Against Detective Hoyt for Removal of Olivia**

10. Did Detective Hoyt participate in the removal of Olivia Stalker from the custody of Tracy Watson?

Yes  No \_\_\_\_\_

*If the answer to question 10 is "yes," go to question 11. If the answer is "no," go to question 13.*

11. Did the information the officers possessed at the time Olivia Stalker was removed from her parents' custody provide from an objective viewpoint reasonable cause to believe that exigent circumstances existed requiring removal of Olivia?

Yes \_\_\_\_\_

No  (A "no" answer means that Detective Hoyt violated Tracy Watson's family association right with Olivia protected by the Fourteenth Amendment).

*If the answer to question 11 is "yes," go to question 12. If the answer is "no," go to question 13.*

12. Was the placement of Olivia in the children's shelter reasonably necessary to avert the risk of serious bodily injury or sexual abuse to Olivia because there was not an appropriate, less intrusive placement available or other reasonable, less intrusive means to protect the child from the risk of serious bodily injury or serious sexual abuse?

Yes \_\_\_\_\_ (A "yes" answer means that Detective Hoyt did not violate Tracy Watson's family association right with Olivia protected by the Fourteenth Amendment).

No \_\_\_\_\_ (A "no" answer means that Detective Hoyt violated Tracy Watson's family association right with Olivia protected by the Fourteenth Amendment).

**E. Claim of Renee Stalker Against Detective Blank for Removal of Shafer and Riley**

13. Did Detective Blank participate in the removal of Shafer and Riley Watson from the custody of Renee Stalker?

Yes  No \_\_\_\_\_

*If the answer to question 13 is "yes," go to question 14. If the answer is "no," go to question 16.*

14. Did the information known to the officers at the time Shafer and Riley Watson were removed from their home provide from an objective viewpoint reasonable cause to believe that exigent circumstances existed requiring removal of the two children?

Yes \_\_\_\_\_

No  (A "no" answer means that Detective Blank violated Renee Stalker's family association right with Shafer and Riley protected by the Fourteenth Amendment).

*If the answer to question 14 is "yes," go to question 15. If the answer is "no," go to question 16.*

15. Was the placement of Shafer and Riley in the children's shelter reasonably necessary to avert the risk of serious bodily injury or sexual abuse to Shafer and Riley because there was not an appropriate, less intrusive placement available or other reasonable, less intrusive means to protect the children from the risk of serious bodily injury or serious sexual abuse?

Yes \_\_\_\_\_ (A "yes" answer means that Detective Blank did not violate Tracy Watson's family association right with Shafer and Riley protected by Fourteenth Amendment).

No \_\_\_\_\_ (A "no" answer means that Detective Blank violated Tracy Watson's family association right with Shafer and Riley protected by Fourteenth Amendment).

**F. Claim of Renee Stalker's Against Detective Blank for Removal of Olivia**

16. Did Detective Blank participate in the removal of Olivia Stalker from the custody of Renee Stalker?

Yes \_\_\_\_\_ No X

*If the answer to question 16 is "yes," go to question 17. If the answer is "no," go to question 19.*

17. Did the information the officers possessed at the time Olivia Stalker was removed from her parents' custody provide from an objective viewpoint reasonable cause to believe that exigent circumstances existed requiring removal of Olivia?

Yes \_\_\_\_\_

No \_\_\_\_\_ (A "no" answer means that Detective Blank violated Renee Stalker's family association right with Olivia protected by Fourteenth Amendment).

*If the answer to question 17 is "yes," go to question 18. If the answer is "no," go to question 19.*

18. Was the placement of Olivia in the children's shelter reasonably necessary to avert the risk of serious bodily injury or sexual abuse to Olivia because there was not an appropriate, less intrusive placement available or other reasonable, less

intrusive means to protect the child from the risk of serious bodily injury or serious sexual abuse?

Yes \_\_\_\_\_ (A "yes" answer means that Detective Blank did not violate Renee Stalker's family association right with Olivia protected by the Fourteenth Amendment).

No \_\_\_\_\_ (A "no" answer means that Detective Blank violated Renee Stalker's family association right with Olivia protected by the Fourteenth Amendment).

**G. Claim of Renee Stalker Against Detective Hoyt for Removal of Shafer and Riley**

19. Did Detective Hoyt participate in the removal of Shafer and Riley Watson from the custody of Renee Stalker?

Yes X No \_\_\_\_\_

*If the answer to question 19 is "yes," go to question 20. If the answer is "no," go to question 21.*

20. Did the information known to the officers at the time Shafer and Riley Watson were removed from their home provide from an objective viewpoint reasonable cause to believe that exigent circumstances existed requiring removal of the two children?

Yes \_\_\_\_\_

No X (A "no" answer means that Detective Hoyt violated Renee Stalker's family association right with Shafer and Riley protected by the Fourteenth Amendment).

*If the answer to question 20 is "yes," go to question 21. If the answer is "no," go to question 22.*

21. Was the placement of Shafer and Riley in the children's shelter reasonably necessary to avert the risk of serious bodily injury or sexual abuse to Shafer and Riley because there was not an appropriate, less intrusive placement available or other reasonable, less intrusive means to protect the children from the risk of serious bodily injury or serious sexual abuse?

Yes \_\_\_\_\_ (A "yes" answer means that Detective Hoyt did not violate Tracy Watson's family association right with Shafer and Riley protected

by Fourteenth Amendment).

No \_\_\_\_\_ (A "no" answer means that Detective Hoyt violated Tracy Watson's family association right with Shafer and Riley protected by Fourteenth Amendment).

#### **H. Claim of Renee Stalker's Against Detective Hoyt for Removal of Olivia**

22. Did Detective Hoyt participate in the removal of Olivia Stalker from the custody of Renee Stalker?

Yes X No \_\_\_\_\_

*If the answer to question 22 is "yes," go to question 23. If the answer is "no," go to question 24.*

23. Did the information the officers possessed at the time Olivia Stalker was removed from her parents' custody provide from an objective viewpoint reasonable cause to believe that exigent circumstances existed requiring removal of Olivia?

Yes \_\_\_\_\_

No X (A "no" answer means that Detective Hoyt violated Renee Stalker's family association right with Olivia protected by Fourteenth Amendment).

*If the answer to question 23 is "yes," go to question 24. If the answer is "no," go to question 25.*

24. Was the placement of Olivia in the children's shelter reasonably necessary to avert the risk of serious bodily injury or sexual abuse to Olivia because there was not an appropriate, less intrusive placement available or other reasonable, less intrusive means to protect the child from the risk of serious bodily injury or serious sexual abuse?

Yes \_\_\_\_\_ (A "yes" answer means that Detective Hoyt did not violate Renee Stalker's family association right with Olivia protected by Fourteenth Amendment).

No \_\_\_\_\_ (A "no" answer means that Detective Hoyt violated Renee Stalker's family association right with Olivia protected by Fourteenth Amendment).

**II. CLAIMS OF CHILDREN AGAINST OFFICERS FOR UNREASONABLE SEIZURE OF THEIR PERSONS IN VIOLATION OF THE FOURTH AMENDMENT OF THE CONSTITUTION**

**A. Claims of Shafer and Riley Watson Against Detective Blank for Their Removal**

25. Did Detective Blank participate in the removal of Shafer and Riley Watson from their parents?

Yes X \_\_\_\_\_ No \_\_\_\_\_

*If the answer to question 25 is "yes," go to question 26. If the answer is "no," go to question 27.*

26. Did the information known to the officers at the time Shafer and Riley Watson were removed from their home provide from an objective viewpoint reasonable cause to believe that exigent circumstances existed requiring removal of the two children?

Yes \_\_\_\_\_

No X (A "no" answer means that Detective Blank violated the right of Shafer and Riley to be free from Unlawful Seizure protected by the Fourth Amendment).

*If the answer to question 26 is "yes," go to question 27. If the answer is "no," go to question 28.*

27. Was the placement of Shafer and Riley in the children's shelter reasonably necessary to avert the risk of serious bodily injury or sexual abuse to Shafer and Riley because there was not an appropriate, less intrusive placement available or other reasonable, less intrusive means to protect the children from the risk of serious bodily injury or serious sexual abuse?

Yes \_\_\_\_\_ (A "yes" answer means that Detective Blank did not violate the right of Shafer and Riley to be free from unreasonable seizure protected by Fourth Amendment).

No \_\_\_\_\_ (A "no" answer means that Detective Blank violated the right of Shafer and Riley to be free from unreasonable seizure protected by Fourth Amendment).

**B. Claims of Shafer and Riley Stalker Against Detective Hoyt for Their Seizure**

28. Did Detective Hoyt participate in the removal of Shafer and Riley from the custody of their parents?

Yes X      No \_\_\_\_\_

*If the answer to question 28 is "yes," go to question 29. If the answer is "no," go to question 30.*

29. Did the information known to the officers at the time Shafer and Riley Watson were removed from their home provide from an objective viewpoint reasonable cause to believe that exigent circumstances existed requiring removal of the two children?

Yes \_\_\_\_\_

No X (A "no" answer means that Detective Hoyt violated the right of Shafer and Riley to be free from unreasonable seizure protected by Fourth Amendment).

*If the answer to question 29 is "yes," go to question 30. If the answer is "no," go to question 30.*

29. Was the placement of Shafer and Riley in the children's shelter reasonably necessary to avert the risk of serious bodily injury or sexual abuse to Shafer and Riley because there was not an appropriate, less intrusive placement available or other reasonable, less intrusive means to protect the children from the risk of serious bodily injury or serious sexual abuse?

Yes \_\_\_\_\_ (A "yes" answer means that Detective Hoyt did not violate the right of Shafer and Riley to be free from unreasonable seizure protected by Fourth Amendment).

No \_\_\_\_\_ (A "no" answer means that Detective Hoyt violated the right of Shafer and Riley to be free from unreasonable seizure protected by Fourth Amendment).

**C. Claim of Olivia Stalker Against Detective Blank for Her Seizure**

30. Did Detective Blank participate in the removal of Olivia from her parents?

Yes \_\_\_\_\_      No X

*If the answer to question 31 is "yes," go to question 32. If the answer is "no," go to question 33.*

31. Did the information the officers possessed at the time Olivia Stalker was removed from her parents' custody provide from an objective viewpoint reasonable cause to believe that exigent circumstances existed requiring removal of Olivia?

Yes \_\_\_\_\_

No \_\_\_\_\_ (A "no" answer means that Detective Blank violated the right of Olivia to be free from Unlawful Seizure protected by the Fourth Amendment).

*If the answer to question 31 is "yes," go to question 32. If the answer is "no," go to question 33.*

33. Was the placement of Olivia in the children's shelter reasonably necessary to avert the risk of serious bodily injury or sexual abuse to Olivia because there was not an appropriate, less intrusive placement available or other reasonable, less intrusive means to protect the child from the risk of serious bodily injury or serious sexual abuse?

Yes \_\_\_\_\_ (A "yes" answer means that Detective Blank did not violate the right of Olivia to be free from unreasonable seizure protected by Fourth Amendment).

No X \_\_\_\_\_ (A "no" answer means that Detective Blank violated the right of Olivia to be free from unreasonable seizure protected by Fourth Amendment).

#### **D. Claim of Olivia Stalker Against Detective Hoyt for Her Seizure**

34. Did Detective Hoyt participate in the removal of Olivia from her parents?

Yes X \_\_\_\_\_ No \_\_\_\_\_

*If the answer to question 34 is "yes," go to question 35. If the answer is "no," go to question 36.*

35. Did the information the officers possessed at the time Olivia Stalker was removed from her parents' custody provide from an objective viewpoint reasonable cause to believe that exigent circumstances existed requiring removal

of Olivia?

Yes \_\_\_\_\_

No  (A "no" answer means that Detective Hoyt violated the right of Olivia to be free from Unlawful Seizure protected by the Fourth Amendment).

*If the answer to question 35 is "yes," go to question 36. If the answer is "no," go to question 37.*

36. Was the placement of Olivia in the children's shelter reasonably necessary to avert the risk of serious bodily injury or sexual abuse to Olivia because there was not an appropriate, less intrusive placement available or other reasonable, less intrusive means to protect the child from the risk of serious bodily injury or serious sexual abuse?

Yes \_\_\_\_\_ (A "yes" answer means that Detective Hoyt did not violate the right of Olivia to be free from unreasonable seizure protected by Fourth Amendment).

No \_\_\_\_\_ (A "no" answer means that Detective Hoyt violated the right of Olivia to be free from unreasonable seizure protected by Fourth Amendment).

### **III. CLAIMS OF PLAINTIFFS AGAINST THE CITY OF SAN JOSE FOR FAILURE TO TRAIN ITS OFFICERS**

*Answer the questions in this Section III if you answered "no" to any one of questions 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17, 18, 20, 21, 23, 24, 26, 27, 29, 30, 32, 33, 35 or 36. If you did not answer "no" to any of these questions, do not answer the questions in Section III.*

37. Were the training policies of the City of San Jose inadequate to train its police officers on how to handle claims of suspected child abuse?

Yes  No \_\_\_\_\_

*If the answer to question 37 is "yes," go to question 38. If the answer is "no," do not answer any further questions.*

38. Was the City of San Jose deliberately indifferent to the obvious consequences of its failure to train its officers adequately?

Yes \_\_\_\_\_

No X

If the answer to question 38 is "yes," go to question 39. If the answer is "no," do not answer any further questions.

39. Was the failure of the defendant City of San Jose to provide adequate training a cause of the deprivation of one or more of the plaintiff's constitutional rights?

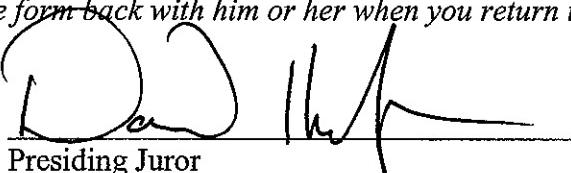
Yes \_\_\_\_\_

No \_\_\_\_\_

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The jury foreperson should sign and date the Verdict Form. You should then advise the court security officer that you have reached a verdict. The presiding juror should bring the form back with him or her when you return to the courtroom.

Dated:

3/30/2011



Presiding Juror